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OUR FIF NUMBER
892,050-215

October 22, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RECEIVED

OCT 22 2003

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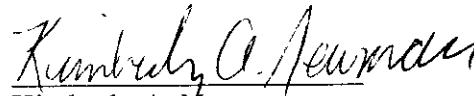
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knewman@omm.com
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: WC Docket No. 02-359

Dear Ms. Dortch:

Enclosed for filing in the above-captioned proceeding are an original and four copies of the Surrebuttal Testimony of Verizon Virginia Inc. In addition, we are enclosing eight copies for the arbitrator. Thank you

Sincerely,


Kimberly A. Newman
of O'Melveny & Myers LLP

cc Stephen T Perkins
Martin W. Clift, Jr.
Richard U. Stubbs
Ms. Terri Natoli
Mr. Jeremy Miller
Mr. Brad Koerner
Mr. Marcus Maher
Mr. Richard Lerner
Mr. John Adams
Ms. Margaret Dailey

NO. 02-359-014
LIST A-1221

VERIZON VIRGINIA INC.
SURREBUTTAL TESTIMONY OF LOUIS AGRO
UNE-RELATED CHARGES (ISSUE C27)
CC DOCKET NO. 02-359
OCTOBER 22, 2003

1 **Q. ARE THE MEASURES IN THE VIRGINIA PERFORMANCE ASSURANCE**
2 **PLAN IRRELEVANT TO THE PROVISION OF NEW UNE LOOPS, AS MR.**
3 **CLIFT CONTENDS AT PAGE 1 OF HIS SURREBUTTAL TESTIMONY?**

4 A. No. The performance plan includes measures of performance that are specific to the
5 installation of new UNE Loops. **PR-4-03-3113** (Percent of Missed Appt. – Verizon –
6 Dispatch - Loop New) measures provisioning performance for new loops that require the
7 “truck rolls” discussed by Mr. Clift.

8 The quality of new loop installation is also measured by **PR-6-01-3112** (Percent
9 Installation Troubles Reported Within 30 Days - POTS Loop – UNE), which captures
10 troubles reported on newly installed loops that Cavalier reports as not working. **PR-6-01-**
11 **3112** is specific to new UNE Loops and does not include UNE-Platform. Both **PR-4-03-**
12 **3113** and **PR-6-01-3112** trigger payments based on the specific performance provided to
13 Cavalier in the current Virginia PAP.

14 **Q. ARE THE UNE LOOP MEASURES IN THE VIRGINIA PAP MISLEADING, AS**
15 **MR. CLIFT CLAIMS AT PAGES 1-2 OF HIS SURREBUTTAL TESTIMONY,**
16 **BECAUSE THEY MIX UNE LOOP AND UNE PLATFORM RESULTS?**

17 A. No. Mr. Clift focuses on the PAP as it existed before this year’s changes. As noted in
18 my rebuttal testimony, in May of this year, the Virginia SCC modified the PAP so that it
19 measures UNE-Loop and UNE-Platform performance separately. The following
20 measures are calculated separately by product for UNE Loop, UNE-Platform, 2-Wire
21 Digital and 2-Wire DSL in the current Plan.

- 22 • PR-4-04, Percent Missed Appointments – Dispatch - Loop
- 23 UNE-Loop - New PR-4-04-3113
- 24 UNE Platform PR-4-04-3140
- 25 2 Wire Digital PR-4-04-3341
- 26 2 Wire DSL PR-4-14-3342 (Percent Completed On-Time)

- 1 • PR-6-01, Percent Installation Troubles Within 30 days ;
- 2 UNE-Loop PR-6-01-3112
- 3 UNE Platform PR-6-01-3121
- 4 2 Wire Digital PR-6-01-3341
- 5 2 Wire DSL PR-6-01-3342

- 6 • MR-3-01, Percent Missed Repair Appointments
- 7 UNE-Loop MR-3-01-3550
- 8 UNE Platform MR-3-01-3144 and MR-3-01-3145
- 9 2 Wire Digital MR-3-01-3341
- 10 2 Wire DSL MR-3-01-3342

- 11 • MR-4-02, Average Delay Days
- 12 UNE-Loop MR-4-02-3550
- 13 UNE Platform MR-4-02-3144 and MR-4-02-3145
- 14 2 Wire Digital MR-4-02-3341
- 15 2 Wire DSL MR-4-02-3342

- 16 • MR-4-08, Percent Lines Out of Service for More than 24 Hours
- 17 UNE-Loop MR-4-08-3550
- 18 UNE Platform MR-4-08-3144 and MR-4-08-3145
- 19 2 Wire Digital MR-4-08-3341
- 20 2 Wire DSL MR-4-08-3342

- 21 • MR-5-01, Percent Repeat Reports within 30 Days
- 22 UNE-Loop MR-5-01-3550
- 23 UNE Platform MR-5-01-3140
- 24 2 Wire Digital MR-5-01-3341
- 25 2 Wire DSL MR-5-01-3342

26 **Q. ARE THE LACK OF PAYMENTS TO CAVALIER AN “ACID TEST” TO THE**
27 **PLAN’S EFFECTIVENESS AS MR. CLIFT CLAIMS ON PAGE 3 OF HIS**
28 **SURREBUTTAL TESTIMONY?**

29 A. No. Cavalier has not received payments under the PAP because Verizon has met
30 benchmark standards set by the Virginia SCC and has provided Cavalier with generally
31 better service than Verizon provides to its own retail customers. For example, in the last
32 four months of PAP reports (March – June), Verizon’s performance on 24 related Loop
33 provisioning and maintenance measures in each month exceeded the benchmark standard.
34 More specifically, Verizon provided better service to Cavalier than to its own retail

1 customers in 82 of the 96 instances. In another 12 instances, the differences in service
2 provided to Cavalier as opposed to Verizon's retail customers were statistically
3 insignificant. Only in the remaining two instances did Cavalier customers receive
4 statistically worse service than Verizon's own retail customers. While these two
5 instances did not trigger payments under the old PAP, they would trigger payments under
6 the Virginia SCC's newly ordered PAP that went into effect in July.

7 **Q. DOES THIS CONCLUDE YOUR SURREBUTTAL TESTIMONY?**

8 **A. Yes.**

Declaration of Louis F. Agro

I declare under penalty of perjury that I have reviewed the foregoing testimony and that those sections as to which I testified are true and correct.


Louis F. Agro

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

| | | |
|---|---|----------------------|
| In the Matter of |) | |
| |) | |
| Petition of Cavalier Telephone, LLC |) | |
| Pursuant to Section 252(e)(5) of the |) | WC Docket No. 02-359 |
| Communications Act for Preemption |) | |
| of the Jurisdiction of the Virginia State |) | |
| Corporation Commission Regarding |) | |
| Interconnection Disputes with Verizon |) | |
| Virginia, Inc. and for Arbitration |) | |

CERTIFICATE OF SERVICE

I certify that on the 22nd day of October, 2003, the Surrebuttal Testimony of Verizon Virginia, Inc. in the above-captioned proceeding was served on the following parties:

Via Overnight Delivery and Electronic Mail:

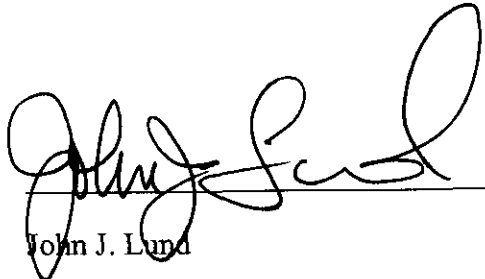
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